

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:08MD1932-MU**

**IN RE FAMILY DOLLAR FLSA
LITIGATION**

*Concerning Grace v. Family Dollar Stores,
Inc. (3:06-cv-306) and Ward v. Family
Dollar Stores, Inc. (3:06-cv-441).*

ORDER

This matter is before the Court on Plaintiffs' Motion for an Emergency Telephone Conference with the Court or in the Alternative, Motion for a Protective Order (Doc. No. 152) and Defendant's June 18, 2009 letter to the Court.¹

First, Plaintiffs' Motion for an Emergency Conference or in the Alternative, Motion for a Protective Order is Denied. The Court will not engage in a telephonic conference at this time. Next, Plaintiffs' counsel is directed to file a response to Defendant's June 18, 2009 letter by Thursday July 2, 2009 at noon.² The Court will issue a ruling on Defendant's motion to dismiss and to compel as soon as practicable after Plaintiffs' counsel has filed his response on July 2, 2009. In the meantime,

¹ The Court will file such letter as a Motion to Dismiss and Motion to Compel. For clarification purposes, the Court directs that discovery disputes be submitted informally to the Court via letters, however, pleadings seeking dismissal of a party should be filed as a motion.

² Plaintiffs will have had ample time to file its response in that Plaintiffs' counsel received the letter electronically on June 18, 2009. Moreover, by e-mail from the undersigned's Law Clerk dated June 24, 2009, Plaintiffs' counsel was directed to begin preparing a response and that the Court would notify counsel on Monday June 29, 2009 as to when his response should be filed with the Court. Counsel shall file his response on July 2, 2009 by noon.

as already instructed by the Court,³ scheduled depositions should proceed. Finally, Defendant's counsel is directed to file the Amended Responses of the remaining Plaintiffs identified in footnote 3 to the June 18, 2009 letter by July 2, 2009 at noon for the Court's review

IT IS, THEREFORE ORDERED that:

(1) Defendant's June 18, 2009 letter to the Court shall be filed by the Clerk as a Motion to Dismiss and Motion to Compel. Such motion shall be filed as of June 18, 2009;

(2) Plaintiffs' counsel shall file a response to Defendant's June 18, 2009 letter on or before Thursday July 2, 2009 at noon;

(3) Plaintiffs' Motion for an Emergency Telephone Conference with the Court or in the Alternative, Motion for a Protective Order (Doc. No. 152) is Denied;

(4) Defendant's counsel shall file the Amended Response of the remaining Plaintiffs identified in footnote 3 of the June 18, 2009 letter on or before July 2, 2009 at noon.

SO ORDERED.

Signed: June 29, 2009



Graham C. Mullen
United States District Judge



³ Counsel had a telephonic conference with the undersigned's Law Clerk on June 22, 2009.